

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Criminal Application (ABA) No. 556 of 2019

Sunil Gangaram Chavhan

Vs.

State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri R. S. Kurekar, Advocate for the applicant
Mrs. H. N. Prabhu, APP for the State/non-applicant

CORAM : M. G. GIRATKAR, J.

DATED : 11/09/2019

This is an application for grant of anticipatory bail for the offences punishable under Sections 143, 147, 148, 149, 323, 324, 504, 506 and 307 of IPC.

2] The complainant – Chandrakant Govind Pawar lodged the report alleging that on 18.01.2017, Gangaram Ganu Chavhan, Anil Gangaram Chavhan, Sunil Gangaram Chavhan (applicant), Yashwant Gangaram Chavhan, Panpudi Gangaram Chavhan, Chhaya Manohar Bhosale, Manohar Kandurya Bhosale, Putali Anil Chavhan and Shama Sunil Chavhan formed an unlawful assembly. Gangaram Chavhan was having Iron Tomy and applicant was having Axe. Gangaram Chavhan gave blow of Iron Tomy on his head and Panpudi thrown chilly powder in his eyes and other accused abused and threatened him. On his report, the offences

punishable under Sections 143, 147, 148, 149, 323, 324, 504, 506 and 307 of IPC registered against the accused persons including the applicant. Charge-sheet is filed. It shows that the applicant has absconding.

3] Heard learned Counsel Shri Kurekar for the applicant. He has submitted that the present applicant – Sunil Gangaram Chavhan was prosecuted in another case in R.C.C. No. 38 of 2014 pending before Civil Judge Junior Division and Judicial Magistrate First Class, Malegaon, Washim. He has pointed out order-sheet. It is marked as “X” for identification. Learned Counsel has submitted that the applicant was not absconding even though he is shown as absconding. Therefore, prayed to grant anticipatory bail.

4] Mrs. Prabhu, learned APP for the State/non-applicant has strongly objected the application and submitted that applicant was absconding and, therefore, he is not entitled for anticipatory bail. He was having Axe in his hand at the time of incident and, therefore, he had intention to kill the complainant.

5] Order-sheet in RCC No. 38 of 2014 pending before Civil Judge Junior Division and Judicial Magistrate First Class, Malegaon, Washim show that the applicant is regularly attending the said Court from the year 2017. The last order-sheet is dated 04.04.2019. It shows that accused was present. Charge-sheet is

filed against the accused showing him absconding. Order-sheet in other criminal case show that the applicant/accused is regularly attending the Court. Therefore, it can not be said that he was absconding.

6] In respect of the allegation made in the complaint, there is no any specific allegation against the applicant that he had taken active part in the commission of crime. The report only shows that he was present having Axe in his hand, but it does not show that he has made any attempt to kill or cause any injury to the complainant by Axe.

7] Looking to the allegations in the report, the application is **allowed**.

8] In the event of arrest of applicant in crime No. 13 of 2017 registered by Police Station, Shirpur, the applicant be released on bail on his executing a P.R. Bond in the sum of Rs.25,000/- with one solvent surety of like amount.

9] Accordingly the criminal application is disposed of.

JUDGE